UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/299/Add.4
29 April 1996

ENGLISH
Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION

Fourteenth periodic report of States parties due in 1996

Addendum

ICELAND*

[29 March 1996]

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* This document contains the fourteenth periodic report due on 4 January 1996. For the thirteenth periodic report of Iceland and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/263/Add.2 and CERD/C/SR.1049-1050.

The information submitted by Iceland in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.26.

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I. GENERAL OBSERVATIONS

1. In the following a general description will be presented of the most important laws enacted and measures taken during the two years which have passed since Iceland's thirteenth report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was concluded in February 1994. The account will be confined to the legal reforms or other measures and decisions on policy-making carried out or planned since then, which are of an important nature and have a bearing upon the implementation of the Convention in Iceland. A more detailed description of the substance of new legislative and other measures is then to be found in Part II, where matters relating to the individual provisions of the Convention are discussed. No discussion will be presented of matters concerning the individual provisions of the Convention where no legislative amendments have been effected or measures taken and the situation in other respects is unchanged as compared to the previous reports.

2. As regards general information on Iceland and its people, the administration, and court system, the power to resolve whether human rights have been violated, and the applicability of international human rights conventions under national law, a reference is made to a core document concerning Iceland forming part of the reports of State parties in HRI/CORE/1/Add.26 of 24 June 1993 as these aspects remain unchanged if no particular observations are made to the contrary herein. A reference shall also be made in this respect to the General Observations in Part I of the twelfth report in the document CERD/C/226/Add.12.

3. As regards the most important legislative measures which have been taken since the thirteenth report was finalized, an amendment to the human rights chapter in the Icelandic Constitution should first be mentioned. In June 1994 the Althing resolved that the human rights provisions of the Icelandic Constitution should be revised. The parliamentary resolution stated that a revision of the Constitution's human rights provisions was now timely with a view to the international obligations undertaken by Iceland in becoming a party to international human rights agreements. Subsequently, a bill amending the human rights provisions in the Constitution was introduced in the Althing. In February 1995 the Althing accepted the bill and it was reaccepted by the Althing in June after regular elections had taken place, after which the amendment came formally into force.

4. The amendment provides for extensive changes and additions to the human rights provisions previously in effect, which had become somewhat outdated in various ways, as they had remained almost totally unchanged since 1874. They were subject to criticism both in domestic debate and on the international scene. The critics chiefly maintained that the human rights chapter of the Constitution lacked clear provisions on various fundamental human rights. Statute provisions guaranteeing these rights were thus considered inadequate, as was the view that such rights were guaranteed by unwritten fundamental principles of law. The amendment to the Constitution, according to which various new rights are added to those already provided for and some of the old provisions are phrased in a much clearer way, is intended to redress this situation.

5. Apart from the previously protected rights which where phrased in a clearer way with a wording in line with international human rights provisions, the rights expressly added to the human rights chapter of the Constitution, according to the amendment, are the following, by reference to section numbers:

(a) A general principle of the equality of all men before the law, without regard to sex, religion, opinion, national origin, race, colour, financial status, parentage and other status (sect. 65, subsect. 1);

(b) Equal rights of men and women (sect. 65, subsect. 2);

(c) A principle on freedom of movement and the right to choose a place of residence (sect. 66);

(d) A prohibition of torture, inhuman or degrading treatment or punishment (sect. 68, subsect. 1);

(e) A prohibition of forced labour (sect. 68, subsect. 2);

(f) A prohibition of retroactive criminal punishment and a prohibition of providing for the death penalty by law (sect. 69);

(g) Minimum requirements for fair trial in court procedure in civil and criminal litigation (sect. 70);

(h) The right to support in the case of sickness, disability, old age, unemployment and other comparable situations shall be guaranteed by law (sect. 76, subsect. 1);

(i) The right to general education and suitable training shall be guaranteed to all by law (sect. 76, subsect. 2);

(j) The duty of the State to provide children with special legal protection (sect. 76, subsect. 3);

(k) A prohibition of retroactive tax impositions (sect. 77).

6. It should be noted that most of these rights were already protected by statutes or were regarded as unwritten but constitutionally protected legal principles. However, in the light of the importance of these rights, it was deemed safer to include them in the written Constitution.

7. The constitutional amendments mentioned above reflect to a great extent the provisions of various international human rights instruments to which Iceland is a party, both those prepared under the auspices of the United Nations, such as the International Convention on the Elimination of All Forms of Racial Discrimination, and those having their origins in European cooperation. It may be reiterated that one of the aims of the revision was that constitutionally protected human rights should reflect the international human rights obligations, by which Iceland is bound. These conventions will also play a key role for the interpretation of the constitutional provisions.

8. Since the last report was compiled the European Convention on Human Rights has been incorporated into Icelandic law, by Act No. 62/1994, first of international human rights instruments, and thus its provisions can be directly invoked in court as domestic legislation. At the present time no decision has yet been taken to incorporate other human rights instruments into domestic law.

9. By Act No. 83/1994 the office of the Ombudsman for Children was established and came into operation on 1 January 1995. Its aim is to provide for societal conditions more favourable for children; the Ombudsman is to guard the interests and rights of children, and ensure that administrative authorities, individuals, societies and associations respect in full their rights, needs and interests. The Children's Ombudsman enjoys independence in his work and his most important role is to promote the protection of children's rights and welfare in all fields of the society. He inspects, inter alia, whether public authorities respect the provisions of international treaties that concern the rights and welfare of children. That applies particularly to the Convention on the Rights of the Child of 1989 to which Iceland is a party. Since article 2 of the Convention on the Rights of the Child is intended to guarantee all children the rights set forth in the Convention without any discrimination based on race, colour, sex, language, religion, national or ethnic origin and other comparable considerations, the Children's Ombudsman will specifically examine whether any such breaches take place.

10. The Children's Ombudsman can both receive complaints and initiate investigation on alleged breaches on the rights set forth in the Convention. If he considers that public authorities, individuals or groups of individuals have acted contrary to the rights and interests of children he will submit a report setting out his recommendations to the party concerned. He will also supervise that legislation is in conformity with the rights and interest of children, and propose changes or amendments on legislation concerning children where he considers necessary.

11. The Ombudsman's office has now been operating for slightly more than a year and has dealt with a great variety of tasks. At the same time the Ombudsman has organized the function of the office and published and distributed widely information about the office to make its existence widely known. In 1995 the Ombudsman received between 400 and 500 requests for information concerning children's rights, either by telephone or in writing, a large number of which come from children. There is no formal complaint procedure, since it is not the role of the Ombudsman to deal with individual cases. However, the Ombudsman has been able to advise children in some instances and such requests have in addition brought to the Ombudsman's attention the possible need to improve children's rights in certain fields and initiated special recommendations to the authorities.

12. Concurrently, the Children's Ombudsman has initiated public discussion on various children's affairs and made recommendations on necessary reforms of legal provisions and instructions given by administrative officers which specifically concern children. The opinions and recommendations of the Ombudsman have led to a growing public debate on children's issues. It should

be emphasized that in this debate, the Ombudsman frequently refers to the provisions of the Convention on the Rights of the Child and whether Icelandic legislation and practice are in conformity with the Convention.

13. At the time of writing a new Personal Names Bill has been submitted to the Althing. The Personal Names Act now in effect has been subject to criticism, in particular the arrangement of imposing upon a naturalized foreigner the obligation of assuming an Icelandic name to be used jointly with his original foreign name. Thus, the children of a naturalized foreigner who have attained the age of 15 years, and any later children, shall use an Icelandic personal name. If the new Personal Names Bill is enacted the duty of a foreigner to assume an Icelandic name on becoming an Icelandic citizen is abolished; both the naturalized person and his children can then retain their unchanged family names. It is expected that the Bill will be adopted in the spring of 1996.

14. At present, a bill is in the making adding a new provision to the Penal Code. According to the bill it will become a punishable offence to deny an individual service or access to any place intended for use by the general public, such as restaurants, hotels, transport, theatres and other public places on the grounds of colour, race, national origin and comparable considerations. The bill is expected to be introduced in the Althing in the autumn of 1996.

15. In February 1995 the Government appointed the Refugee Council, with the participation of representatives from the Ministries of Foreign Affairs, Justice, Social Affairs, Education and Health Affairs and a representative from the Red Cross. The Council is a permanent body and has regular meetings. The main objective of the Council is to organize the acceptance and arrival of refugees to the country and to deal with matters related to refugees who apply for asylum while their request is pending before the authorities. It is also intended to submit proposals to the Government concerning refugee policy and necessary measures that should be taken in that respect. The Refugee Council has, inter alia, submitted proposals to the Government concerning annual quotas of refugees to Iceland. In October 1995 the Government decided to receive a group of 25 refugees from Bosnia to Iceland. Their arrival in Iceland is now being prepared in cooperation with local authorities in the country, regarding matters such as providing housing and employment, arranging health care and other services they will need on their arrival. This is the first time since 1991 that Iceland has received such a group of refugees. The Icelandic Red Cross in coordination with UNHCR, is now deciding on the composition of the group.

16. A general revision of the Icelandic legislation concerning refugees is planned but has not yet commenced.

17. In the autumn of 1995 the Minister of Education appointed a committee to formulate an overall policy on immigrants in Iceland, with the participation of representatives from the Office of the Prime Minister, the Ministries of Foreign Affairs, Justice, Social Affairs and Education. The Committee's task is initially to collect information from various ministries, government institutions and other public and private bodies which deal with matters

concerning immigrants and to analyse whether there are particular problems in this field that must to be tackled through legislative, administrative or other measures.

18. On the basis of the collected information, the Committee will submit proposals to the Government to formulate a general policy on immigrants. This will, inter alia, include proposals as how to organize special services for immigrants in the field of education and social support, the services of interpreters and other proposals aiming at improving the situation of immigrants in the country.

19. In 1994 the city authorities of Reykjavik, established the Information and Cultural Centre for Foreigners. Its task is to serve foreigners who come to Iceland, particularly to provide information concerning residence permits, work permits, health care, social service, kindergarten and other necessary information for immigrants and other foreigners staying in the country.

20. Since the thirteenth report was concluded, various measures have been taken by the Government concerning the publication and distribution of international human rights conventions to which Iceland is a party. As a part of this project, the International Convention on the Elimination of All Forms of Racial Discrimination has been published in a special leaflet and distributed widely. The Convention has, inter alia, been distributed to all lawyers working at the courts, both judges and deputies, and to all lawyers working at the district magistrates offices, the Chief of Police offices in the districts of the country and the office of the Public Prosecutor. In the Icelandic School for Policemen a general course on human rights is compulsory, where all the major international conventions on human rights are introduced to the students.

21. Even though the Convention does not enjoy direct force of domestic law, it was included in a new printed edition of the Law Collection which was published in January this year. Such a Law Collection is published approximately every fifth year and it contains all Icelandic laws in force at the time of its publication. Now, for the first time, some of the major international human rights conventions to which Iceland is a party, such as the International Convention on the Elimination of All Forms of Racial Discrimination, was included in the Law Collection in its first part, which contains the Constitution and other fundamental Icelandic statutes.

22. The Convention is distributed to all students in the first year of their law studies in the Faculty of Law at the university, as a part of their constitutional studies. In the final part of the law studies, a human rights course is offered to students where the Convention is a subject among other international human rights instruments.

23. It should finally be noted that the conclusions of the Committee on the Elimination of Racial Discrimination, dated 17 August 1994, concerning Iceland's tenth, eleventh, twelfth and thirteenth reports under the Convention, provided an occasion for some public debate in Iceland. The Committee's conclusions, were distributed to all public media and all the most influential Icelandic media described the conclusions.

24. It is evident that public interest and discussion on human rights have increased significantly in Iceland in the past few years. The amendment to the human rights provisions of the Constitution may be regarded as a manifestation of this increased interest. The bill, amending the human rights provisions in the Constitution was subject to a great public debate when it was introduced at the Althing, which led to some changes in its provisions before it was accepted. The growing public interest in matters concerning human rights can without doubt partly be traced to international involvement with matters relating to human rights in Iceland, and indications of where there may be scope for improvement.

25. Two organizations have been established in the past two years specifically dealing with human rights. Firstly, the Human Rights Office was established in Reykjavik in the spring of 1994, similar to those which have existed in the Scandinavian countries for some time. The parties behind the Human Rights Office are the Icelandic section of Amnesty International, the International Save the Children Alliance, the Office of the Bishop of Iceland, the Icelandic Church Aid, the Icelandic Red Cross, the Women's Rights Association of Iceland, the Equal Status Council, and the United Nations Development Fund for Women (UNIFEM) Iceland.

26. The objectives of the Icelandic Human Rights Office are to collect information concerning human rights, to introduce such information to the public, and to promote education and research in the field of human rights. The Office takes part in the exchange of information between similar offices in the Nordic countries. The Office also promotes lectures and discussion on human rights, publication and dissemination of printed matter concerning human rights, and research in individual fields of human rights. The Human Rights Office has, among other things, concerned itself with the success, or lack thereof, in implementing international human rights instruments in Iceland. Some educational and informational work in the field of human rights has been undertaken by the Office for the benefit of both lawyers and the public. The Office receives financial support from the State, which amounted to ISK 4 million for 1996.

27. The second organization operating in the field of human rights is the University Institution of Human Rights which was established in the spring of 1995. The institution was founded by the University of Iceland, the Icelandic Bar Association and the Icelandic Association of Judges. The main purpose of the Institution is to promote research on the legal aspects of human rights, distribute the conclusions of such legal research, promote education and lectures, and support students, teachers, barristers, judges and others to study in the field of human rights.

28. Finally, the organization Barnaheill (Icelandic Save the Children) should be mentioned. Barnaheill aims at improving the human rights of children in general. Thus, the association represents children in society by making the State, the local authorities and the associations work for the greater well-being of children, by influencing legislation and by making the public and politicians better aware of children and the environment in which they live. The association has taken the initiative in various areas regarding publicizing the Convention on the Rights of the Child. The association's revenues are derived from members' subscriptions; current membership is about 10,000, and it does not receive financial support from the State.

29. There is no formal cooperation between the above-mentioned human rights organizations and the Government, but nevertheless there is some cooperation, particularly in gaining and distributing information concerning human rights.

30. The following table contains some relevant aspects of the demographic composition of the population in Iceland on 1 December 1995. They reveal, on the one hand, the number of foreign nationals in Iceland and, on the other hand, the number of Icelandic citizens born abroad.

31. Since Iceland's twelfth report was prepared, the number of foreign nationals in Iceland has decreased slightly. On 1 December 1991 foreign nationals in Iceland numbered 5,395, but on 1 December 1995 they numbered 4,807. Of these approximately one third came from the other Nordic countries and approximately one third from other European countries.

32. At the same time, i.e. 1 December 1991, 10,565 Icelandic nationals had been born abroad, but as at 1 December 1995, 10,901 Icelandic nationals had been born abroad. It should be noted that these figures include both those who were born abroad and acquired Icelandic citizenship at birth and foreigners born abroad who had subsequently acquired Icelandic citizenship.

33. For the purpose of comparison with figures from the previous years, reference is made to tables on the same subjects included in Part I of the twelfth report.

Population at 1 December 1995, by country of birth and country of citizenship

Population total: 267,809

	Country of birth	Country of citizenship
Iceland	256 908	263 002
Other countries	10 901	4 807
Nordic countries	4 739	1 571
Denmark	2 164	990
Finland	113	78
Faeroe Islands	360	-
Greenland	29	-
Norway	738	305
Sweden	1 335	198
Other European countries	3 116	1 715
Albania	1	1
Austria	58	27
Belarus	-	1
Belgium	45	29
Bosnia and Herzegovina	-	5
Bulgaria	38	27

	Country of birth	Country of citizenship
Croatia	-	19
Czech Republic (Czechoslovakia)	46	24
Estonia	11	14
France	177	86
Germany	869	286
Greece	7	3
Hungary	49	32
Ireland	52	48
Italy	65	30
Latvia	1	1
Lithuania	14	12
Luxembourg	70	-
Malta	1	1
Netherlands	119	98
Portugal	44	39
Poland	365	326
Romania	7	4
Russian Federation (USSR)	113	74
Slovakia	-	5
Slovenia	-	11
Spain	115	68
Switzerland	62	21
Ukraine	-	13
United Kingdom	615	315
Yugoslavia	172	95
Americas	1 560	707
Brazil	15	16
Canada	169	56
Chile	22	9
Colombia	34	11
Guatemala	26	3
Mexico	23	11
Peru	14	8
United States	1 209	567
Other American countries	48	26
Africa	215	97
Algeria	15	7
Ethiopia	15	1
Cape Verde	21	13
Kenya	17	3
Morocco	41	24
South Africa	44	28
Other African countries	62	21

	Country of birth	Country of citizenship
Asia	1 171	646
China	96	65
India	88	19
Indonesia	70	5
Iraq	7	3
Iran (Islamic Republic of)	14	8
Israel	20	4
Japan	35	19
Jordan	10	9
Lebanon	18	4
Philippines	281	167
Republic of Korea	28	3
Sri Lanka	88	6
Syrian Arab Republic	10	8
Thailand	225	208
Turkey	21	4
Viet Nam	130	102
Other Asian countries	30	12
Oceania	107	78
Australia	53	33
New Zealand	47	36

II. INFORMATION RELATING TO THE IMPLEMENTATION OF ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

Paragraph 1

34. It is not possible to speak of a specific comprehensive policy developed by the Icelandic authorities to battle racial discrimination in Iceland. As discussed in paragraph 38 of the twelfth report, issues relating to racial discrimination have in previous years not gained much attention or been subject to a great public debate in Iceland. This is without doubt due to the fact that hitherto, the population in Iceland has been relatively homogenous and without any major segregated minorities based on race, colour, national or ethnic origin. As the above table shows, there are approximately 4,800 foreign nationals in the country of whom less than one third are of a different race or colour than the majority of the population in Iceland. It should, however, be taken into account that this number does not include foreign nationals of different races or colour who have acquired Icelandic nationality. It may be pointed out that a number of immigrants from Asia, particularly from the Philippines, Thailand and Viet Nam, have acquired Icelandic nationality through naturalization and their children consequently

acquire Icelandic nationality at birth. In addition it should be noted that a number of children from India and Sri Lanka (approximately 100 in all) have been adopted by Icelandic parents in the past 10 to 15 years.

35. No particular problems have evolved in relation to racial discrimination in previous years that have required special measures from the authorities to tackle such discrimination. Even though no major problems or incidents have taken place concerning racial discrimination, there is a growing concern that clear rules should be adopted and other measures taken to prevent people having to suffer discrimination on the grounds of their colour, race, or their national or ethnic origin. This concern can be considered to derive partly from the increasing interest of people in human rights in general. Accordingly, unwritten principles of the equality of all people were no longer considered sufficient for this purpose and provisions aimed at guaranteeing the principle of equality have been added to various laws. In recent years, the Icelandic Government has thus gradually laid greater emphasis on the matter to meet a growing demand by taking legislative and other measures to prevent racial discrimination from taking root in Icelandic society.

36. As discussed in the general description on the amendment to the Constitution, a special provision of the Constitution, section 65, subsection 1, now stipulates expressly the basic principle that everybody shall be equal before the law and enjoy human rights without regard to sex, religion, opinion, national origin, race, colour, financial status, parentage or other status. The second subsection of the provision stipulates specifically the equal rights of men and women.

37. No legal provisions or regulations can be found in Icelandic laws which condone racial discrimination. Such a legal provision would clearly violate the above-described constitutionally protected principle of equality. Therefore, the courts would, through their judicial review, disregard or not apply such a provision, even though they could not formally invalidate it.

38. With reference to subparagraphs (a) and (b) of article 2, Icelandic authorities have neither undertaken to engage in any act or practice of racial discrimination nor supported any such activities.

Paragraph 2

39. There have been no incidents or circumstances in recent years indicating that some specific racial groups or individuals belonging to them need special protection as described in the paragraph. As discussed in paragraph 41 of the twelfth report and paragraph 34 above, the largest group of foreign origin and race in the country comes from Asia. These are people from Thailand and the Philippines, particularly women who have married Icelanders, and their relatives who have subsequently immigrated to Iceland. A number of refugees from Viet Nam, and subsequently their relatives, have settled in the country. The Ministry of Social Affairs has published booklets in some of the languages of the people from these countries in order to facilitate their adaptation to Icelandic society and to inform them about their rights and legal status, which is no different from that of Icelanders except as far as citizenship is concerned.

40. The language barrier is a common problem to most of the immigrants in the country without regard to their race, colour or ethnic origin. Therefore, measures taken by the authorities in this and other respects have aimed at solving the problems of immigrants in general. The appointment of a committee to formulate a general policy on immigrants in Iceland, described above, is a step in this direction. The committee is at present collecting information from various ministries, government institutions and other public and private bodies which deal with matters concerning immigrants to determine whether there are particular problems in this field which must be tackled through legislative, administrative or other measures. This information will hopefully reveal, at least to some extent, whether immigrants of different races, colour or origins feel that they are being discriminated against in Iceland and whether measures should be initiated to tackle such discrimination.

41. As discussed above, a special Information and Cultural Centre for Foreigners was established in Reykjavik in 1994 with the task of serving people who come from other countries to live in Iceland. The centre is open from Monday to Friday between 10 a.m. and 4.30 p.m. and provides foreigners with necessary and practical information, such as concerning resident permits, health care, social services, insurance, the school system, etc. At the centre, there is a list of interpreters fluent in many languages to assist foreigners. The centre has published a leaflet introducing its functions in seven languages (Vietnamese, Polish, Tagalog, Thai, Russian, Spanish and English).

42. Section 29, subsection 4, of the Act on Primary Schools No. 66/1995 stipulates that the objectives of education and the operating procedures of primary schools shall be such as to prevent discrimination on the basis of origin, sex, residence, social class, religion or physical disability.

43. There are 314 immigrant children, with a total of 40 different mother tongues, enrolled in Icelandic primary schools during the 1995/96 school year. The medium of instruction in the schools is Icelandic. Since the autumn of 1993, the Government has upgraded the level of services to immigrant children in the school system. Priority is attached to the teaching of Icelandic and to the process of adaptation, but at the same time, care is taken to respect the rights of immigrants to maintain their culture, religion and mother tongue.

44. The Primary Schools Act does not contain any provision stating that pupils whose mother tongue is other than Icelandic should receive instruction in their mother tongue. Nor are there special provisions stating that the mother tongue of these pupils should be taught in the schools. On the other hand, efforts are made to encourage these pupils to maintain their mother tongue and culture.

45. The Ministry of Education has financed an experiment in mother-tongue instruction in which a group of pupils from Viet Nam receives teaching and training in their mother tongue concurrently with teaching in Icelandic. This experiment is intended to provide information on whether mother-tongue instruction has a direct influence on how quickly and how well pupils gain a fluency in Icelandic. A report is expected in the next few months.

46. Funding for the special teaching of Icelandic for primary schoolchildren has been as follows:

1992 ISK 6 million
1993 ISK 9 million
1994 ISK 10 million
1995 ISK 19 million
1996 ISK 19.2 million.

In addition, funds have been granted for special teaching of immigrants in the secondary schools, and for adult education, with particular emphasis on the families of children of primary school age.

47. A special programme of education for immigrants has been under way under the auspices of the Ministry of Education since the autumn of 1993. Two specialists in the education of immigrants have been in charge of the programme, which includes children in nursery schools, primary schools and secondary schools and also adult education. They advise teachers on topics such as the teaching of Icelandic, course structure, educational materials and social adjustment, and have, inter alia, initiated the establishment of special reception class groups for immigrant children.

48. The Ministries of Education, Social Affairs and Justice have jointly provided the funds necessary to publish an information booklet in English about Icelandic society and the rights and duties of immigrants. A budget has been drawn up under which the Ministry of Education is to organize and finance the publication of practical information on schooling in the languages of the most numerous immigrant groups in Iceland. A special syllabus for the teaching of Icelandic to children who do not have Icelandic as their mother tongue is under preparation in the Ministry of Education; no such syllabus has existed up until now.

Article 3

49. There are no particular legislative, judicial, administrative or other measures which have been adopted in relation to this article of the Convention since the time Iceland's thirteenth report was finalized.

Article 4

50. Penalty clauses pertaining to this article have remained unchanged in Icelandic legislation since the thirteenth report was submitted. Reference is made to former reports, particularly the third report and paragraphs 14 and 15 of the twelfth report. As discussed there, the main relevant penalty clauses in this respect are section 233 (a) and section 125 of the Penal Code. Section 233 (a) stipulates that any person who, by mockery, slander, insult, threat or other means, publicly attacks a group of persons on the grounds of their nationality, colour, race or religion shall be liable to a fine, simple detention or imprisonment for a term not exceeding two years. Article 125 of the Penal Code stipulates that any person who publicly ridicules or dishonours the religion or worship of a lawful religious community in Iceland shall be liable to a fine or simple detention. No person has been prosecuted in recent years on the grounds for having violated these two penal clauses.

51. As discussed above an amendment to the human rights chapter of the Constitution came into force in the summer of 1995. However, the constitutional provision concerning the freedom of association and necessary limitations on the right to form associations remained unchanged in substance as regards the aspects relevant to article 4 (b). The present constitutional provision concerning the freedom of association is section 72, of which subsection 1 reads as follows:

> "People shall have the right to form associations for any lawful purpose, including political groups and trade unions, without having to seek prior authorization. No association may be dissolved by executive order. The functions of an association may, however, be suspended pro tempore, in which case an action must be brought, without undue delay, for its disbandment."

52. This provision, like the previous section 73 of the Constitution, requires that an association must have a lawful purpose to enjoy the protection provided, without defining or enumerating, what is an unlawful purpose. An association with the aim to attack a group of persons on the grounds of their nationality, colour, race or religion by mockery, slander, insult, threat or other means would have an unlawful purpose, as these acts are punishable offences according to section 233 (a) of the Penal Code.

53. No association has been dissolved by executive order in the previous decades and no case has been brought before the courts for the disbandment of an association with the purpose to attack a group of persons on the grounds of their nationality, colour, race or religion. However, it should be noted that last year there was some public discussion about an association, "Nordic Mankind", founded and represented by only one individual who claims that Iceland is for Icelanders only and the superiority of the Nordic race. No other individual has appeared in public to support theses ideas or has been proven to be linked to this association. The authorities have not taken any particular measures against this person. This has, however, initiated some public debate, such as to what extent Icelandic newspapers should control the publication of articles from individuals advocating such ideas.

Article 5

54. The enjoyment of the rights enumerated in this article is, according to Icelandic law, secured to everyone without regard to race, colour or national or ethnic origin. The most important legal provision in this respect is section 65 of the Constitution stating the principle of equality of all persons before the law and in the enjoyment of human rights. Apart from this constitutional provision, the legislation does not provide for any discrimination on the above-mentioned grounds and in various laws, such as section 11 of the Act on Administrative Procedure and section 29 of the Primary School Act, this principle is expressly stated. It should nevertheless be pointed out that it is considered justifiable that certain rights under Icelandic law are limited to persons with Icelandic citizenship, such as the political right to vote and to stand for election and the conduct of public affairs, and that certain general restrictions are imposed by law on the rights of foreigners to own real estate or share in industrial firms in the country.

55. It should be noted that one particular legal provision has been subject to criticism for discriminating between legitimate and illegitimate children born in Iceland of a foreign mother. Thus, according to the Icelandic Nationality Act a child does not acquire Icelandic citizenship at birth if its mother is a foreign national and is not married to the child's Icelandic father, but it would do so if its parents were married. However, in this case the child will acquire Icelandic nationality with the marriage of its parents, if it is under the age of 18. This rule is the same as that of some other Nordic countries concerning nationality, but in recent decades there has been great cooperation on the subject between the Nordic countries, with the objective of unifying legislation in this field. It is based on the presumption that a child acquires the nationality of its mother, which seems to be the general rule in the legislation on nationality in the majority of States.

56. Icelandic nationality is not only acquired according to conditions set forth in the Icelandic Nationality Act. As a matter of fact, the greatest deal of foreigners who acquire Icelandic nationality, approximately 150 to 170 annually, do so through a special naturalization act passed twice annually by the Althing. When granting Icelandic nationality, the Althing is not bound by strict legal requirements that the applicants must fulfil. A special parliamentary committee which deals with these matters has nevertheless set general guidelines which it usually follows when granting nationality. According to these guidelines Icelandic nationality may be granted to a foreigner after two years' domicile in Iceland if one parent is an Icelandic national, instead of the general rule that Icelandic nationality is first granted to foreigners after seven years' domicile in the country. The Ministry of Justice has recently drawn the committee's attention to the possible situation of a child being born stateless in Iceland if its mother is an unmarried foreigner who either is stateless herself or the law in the country of which she is a national does not provide that the child acquires her nationality automatically. The committee is now considering to add a new rule, which expressly provides for the possibility to grant Icelandic nationality to a child born stateless in Iceland.

57. There have been no cases or instances, known by the authorities, where people complain that private parties have denied them access to public places on the grounds, enumerated in article 5 (f). According to the present legislation there are no clear remedies available to individuals who suffer discrimination from other individuals in such instances, since Icelandic legal provisions concerning discrimination mainly aim at protecting individuals from discrimination vis-à-vis the State and public administration. As discussed above a bill is now being prepared to add a new provision to the Penal Code, declaring it a punishable offence to deny an individual service or access to any place intended for use by the general public, such as restaurants, hotels, transport, theatres and other public places on the grounds of colour, race, national origin and comparable considerations. The bill is expected to be introduced in the Althing next autumn.

Article 6

58. As to the remedies through national tribunals and other State institutions against acts of discrimination, reference is made to paragraphs 22 to 37 and 54 to 60 of the twelfth report and paragraph 4 of the

thirteenth report. The legislation concerning the Icelandic court system and the administrative system has remained unchanged since the thirteenth report was finalized. However, it should be noted that with the amendment to the Constitution, a new provision has been added to the human rights chapter, expressly securing certain procedural rights. Accordingly, section 70 of the Constitution reads as follows:

> "In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair hearing within a reasonable time by an independent and impartial tribunal. The trial shall be held in public unless otherwise decided by the judge according to law, in the interests of morals, public order, national security or the parties concerned.
>
> "Everyone charged with a criminal offence shall be presumed innocent until proven guilty."

59. Even though these procedural rights were already expressly provided for in the general procedural legislation or regarded as unwritten principles it was deemed safer to include them in the written Constitution.

60. As discussed in the twelfth report, the remedial authority according to article 6 available to Iceland in cases of discrimination is mainly threefold, i.e. the courts, the administrative system and the Ombudsman of the Althing. As noted above, the office of the Children's Ombudsman came into operation; however, the Children's Ombudsman is not a remedial authority as there is no formal complaint procedure and it is not the role of the Ombudsman to deal with individual cases. Nevertheless, the Ombudsman receives a number of inquiries and has been able to advise children or their parents.

61. No cases, either civil or criminal cases, have been brought before the courts in recent years concerning racial discrimination. According to information from the Ombudsman of the Althing, the office has not received any complaint in recent years from individuals, claiming that they have been discriminated against by the authorities on the grounds of race, colour or national or ethnic origin. The Children's Ombudsman has not initiated any special recommendations to the authorities on the basis of problems concerning racial discrimination or prejudice against children.

Article 7

62. As described above, various measures have been taken in recent years to create and promote public awareness about human rights and international human rights instruments. These measures have been taken, both by the authorities and several human rights organizations, particularly the Human Rights Office and Icelandic Save the Children. Special emphasis has been laid on introducing the provisions and principles of the Convention on the Rights of the Child which includes the vital provision in article 2, that the extensive rights enumerated in the Convention shall be secured to each child without discrimination of any kind, irrespective of the child's or his or her parent's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

63. In 1993 the Minister of Justice appointed a working group with representatives from the Ministries of Justice, Social Affairs, Health Affairs and Education to study and make proposals on the form which the publicity on the Convention on the Rights of the Child should take. The working group emphasized that the publicity on the Convention should be aimed at children of different ages; the Convention was therefore published and distributed in three different brochures for different age groups of primary school. The brochures will be distributed regularly to pupils in all primary schools in the future. There are now preparations to include the Convention as a permanent part of the Curriculum Guidelines for Primary Schools.

64. It should also be noted that Icelandic Save the Children has recently undertaken a comprehensive programme to introduce the provisions of the Convention to the public.

65. Even though the above-mentioned measures have chiefly been aimed at introducing and publicizing the Convention on the Rights of the Child, it must be considered as an important step in promoting understanding, tolerance and friendship as a part of education of children in Iceland. In this publication campaign, special emphasis has been laid on the principle of equality of all children without regard to race, colour and national or ethnic origin.

66. It should be reiterated that as a part of the project to publicize and distribute various human rights conventions, the International Convention on the Elimination of All Forms of Racial Discrimination has been published in a special leaflet and distributed widely.

67. Icelandic authorities have participated in some international cooperative efforts which have taken place in the past two years concerning the promotion of understanding and tolerance towards foreigners and between different racial and ethnic groups. The most important task in this respect was the project "The North against Xenophobia" (Norden mod fremmedhad). The idea initially derived from the Vienna Declaration of 1993, in which heads of State of the member States of the Council of Europe declared an action programme in Europe against racism, anti-Semitism, xenophobia and intolerance. In accordance with this and with a resolution adopted at the forty-third Assembly of the Nordic Council in November 1993 a special Inter-Nordic Steering Committee was appointed with the participation of Iceland, and a national committee in each of the Nordic countries, including Iceland, was established. This project was also related to and in cooperation with the Council of Europe's project "European Youth Campaign against Racism".

68. The work of "The North against Xenophobia" was divided mainly into the five following projects:

(a) "The Train of Cultural Freedom". This was done in cooperation with the Council of Europe's project "The European Youth Train". The aim of the project was to collect young people from all over Europe to travel by train around Europe in the summer of 1995 and introduce the Campaign against Racism, Anti-semitism, Xenophobia and Intolerance in the various cities of Europe. The project was introduced widely in Iceland and discussed in the mass media. Between 100 and 200 applications for participation where submitted from Icelanders between the ages of 18 and 22 and 29 of them were accepted to take part. There were 241 participants from the Nordic countries;

(b) An inter-Nordic documentary film about "The Train of Cultural Freedom" has been produced and will soon be broadcasted on Icelandic National Television;

(c) A video project about xenophobia in the Nordic countries, an inter-Nordic video film about immigrants, with the participation of an Icelandic representative, is now in the making;

(d) An essay contest for young persons was held in the spring of 1995. The essay's subject should deal with racial prejudices, xenophobia or conflicts between different religions. The essay which won the first prize, "Racism and racial prejudices", was published in the largest newspaper in Iceland;

(e) A seminar for youth advisers and professionals in Iceland working with young people took place in October 1995. Emphasis was laid on the improvement of communication between young people of different origins, problems that may evolve and are related to prejudices against different races or minorities;

(f) Finally a Nordic mass media conference was held in Finland in October 1995 with the participation of Iceland. The conference's main subject was how the mass media deals with immigrants, its influence and consequences in this respect.

69. It should finally be noted that the Human Rights Office has offered special lectures concerning human rights and tolerance, for people working with and teaching immigrants in the country. In cooperation with the Icelandic Save the Children, the Office has organized seminars for retraining programmes at the Teachers' Training College, where the main objective has been to propagate the purposes and principles of the Universal Declarations of Human Rights and subsequent international human rights conventions.